

SECTION 34. EMISSION SOURCES -- TESTING -- MONITORING

- (A) The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in these control Regulations and Standards. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.
- (B) Required tests shall be conducted in accordance with the following test methods and procedures, as applicable:
- (1) 40 CFR Part 51, Appendix M, effective July 1, 1996
 - (2) 40 CFR Part 60, Appendices A, B, C, F, effective July 1, 1996
 - (3) 40 CFR Part 61, Appendix B, effective July 1, 1996
 - (4) 40 CFR Part 63, Appendix A, 57 Federal Register 61970, December 29, 1996
 - (5) 40 CFR Part 266, Appendix IX, July 1, 1995
 - (6) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (3rd Edition) (November 1986) and its Revisions I, II and III, effective June 13, 1997.
 - (7) Such tests shall be conducted by reputable, qualified individuals. A certified written copy of the test results signed by the person conducting the test shall be provided to the Department within 45 days of completion of the test.
- (C) The owner or operator of a source shall provide the Department 30 days notice prior to testing to afford the Department an opportunity to have an observer present.
- (D) The Department may conduct tests of emissions of contaminants from any stationary source.
- (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
 - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.
- (E) A continuous monitoring system for the measurement of opacity shall be installed and placed in operation by the owner or operator of any fossil fuel-fired steam generator with greater than 250 million BTUs per hour heat input. Exemptions from this requirement will be made if gaseous fuel and oil is the only fuel burned and the source has never been found to be in violation of Section 20 of these Regulations and Standards. Installation, calibration, operation and reporting shall be in accordance with the procedures specified in 40 CFR Part 60.
- (F) The Director may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such stationary monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the Director.

- (G) When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests if required to the Director within 60 days after reaching maximum capacity but not later than 180 days after the startup of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Article 2, Section 5 of these Regulations and Standards.
- (H) Notwithstanding any other provisions of these Regulations and Standards, the following methods may be used to determine compliance with applicable requirements:
- (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to Section 8;
 - (2) Any compliance test method specified in the State Implementation Plan;
 - (3) Any test or monitoring method approved for the source in a permit issued pursuant to Section 17, Section 19 or Section 27;
 - (4) Any test or monitoring method provided for in these Regulations and Standards; or
 - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in items (1) through (4) of this subsection.

Ref: Title 129, Ch. 34, Nebraska Department of Environmental Quality